

IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 10/788,460
Filing Date: March 1, 2004
Appellants: Yigal BEJERANO et al.
Group Art Unit: 2617
Examiner: Marcos L. Torres
Title: METHODS AND DEVICES FOR PROVIDING A RELATIVE
LEVEL OF FAIRNESS AND QoS GUARANTEES TO
WIRELESS LOCAL AREA NETWORKS
Attorney Docket: 129250-000999/US

APPELLANTS' REPLY BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF - PATENTS

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November 17, 2009

Sir/Madam:

In response to the Examiner's Answer mailed September 17, 2009 the Appellants' submit the following Reply Brief.

ARGUMENTS:

In the Examiner's Answer the Examiner argues: (a) the "appellant fails to clearly define "maximization of the lower bound" on [sic] the claim language"; and (b) Menzel's disclosure of load adjustments and variations "reads on the limitation of maximizing a lower bound of a slot to user ratio" (*see* page 7 of the Examiner's Answer). Appellants disagree.

Initially, the Appellants note that as the Examiner knows well phrases in a claim must be interpreted consistent with the specification.

Here, the specification provides an ample interpretation for the phrase "maximize a lower bound of a slot-to-user ratio".

First, paragraph [0037] presents a high-level discussion of this phrase. This paragraph explains that a "controller 4 iteratively determines a lower bound for all of the slot-to-user ratios". Thereafter, "[o]nce this lower bound has been identified, controller 4 attempts to re-assign slots in order to maximize this lower bound. This process may proceed iteratively until the lower bound is maximized". Thus, a "maximization of a lower bound" necessarily requires lower bounds to be identified until such time as a maximum is reached.

Next, paragraphs [0042] through [0046] provide a more mathematical explanation for the phrase at issue here. In particular, paragraph [0046] describes the use of a "binary search to maximize the minimum slot-to-user ratio ρ which requires no more than R slots. It iteratively selects a ratio ρ and sets the requirement of each node $v \in V$ to $r_v = \lceil \rho \cdot m_v \rceil$ colors."

Interpreted consistent with the specification the phrase "maximize a lower bound of a slot-to-user ratio" means iteratively identifying lower or minimum bounds of a slot-to-user ratio until a maximum is found.

Menzel is silent regarding the identification of lower bounds. Instead, Menzel appears to disclose that the number of time slots allocated to a base

station may vary based on the base station's load. At no time is a lower bound identified, much less iteratively identified. Further, at no time is a maximum based on iteratively determined lower bounds computed.

In sum, Appellants submit that when properly interpreted the claims of the present invention are patentable over the combination of Ayyagari, Benveniste and Menzel.

Appellants repeat their request that the members of the Board reverse the decision of the Examiner and allow claims 1, 5-9, 13-18 and 22-25.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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